

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

MATTHEW THOMPSON

Plaintiff,

v.

Case No. 4:14-cv-465-RH-GRJ

B. SMITH, et al.,

Defendants.

ORDER

Pending before the Court is Plaintiff's Motion for Enlargement of Time. ECF No. 38. Plaintiff seeks a thirty (30) day extension of time to file his second amended complaint. Plaintiff represents that he is currently housed in a confinement dorm and is unable to access the case files necessary to meet the January 20, 2016 deadline to file his second amended complaint. (ECF No. 38.) The Court concludes that good cause has been shown for an extension.

Plaintiff also seeks clarification regarding the Court's statement in the order dismissing the first amended complaint in part and granting leave to file a second amended complaint that "the discussion of the intracorporate-conspiracy doctrine is not necessary to the result and is not adopted." (ECF Nos. 37–38.)

The magistrate judge's report and recommendation recommended that the Court dismiss Plaintiff's conspiracy claims on two grounds: (1) failure to state a claim for conspiracy; and (2) the intracorporate conspiracy doctrine. (ECF No. 31.) The district judge, however, declined to adopt the portion of the magistrate judge's report and recommendation that discussed the intracorporate-conspiracy doctrine. (ECF No. 37.) Thus, Plaintiff's conspiracy claims were dismissed for failure to state a claim for conspiracy and not based upon the intracorporate conspiracy doctrine. Plaintiff, nonetheless, has been granted leave to amend his complaint with respect to his Eighth Amendment claim.

Upon due consideration, it is **ORDERED** that:

Plaintiff's Motion for Enlargement of Time, ECF No. 38, is **GRANTED**. Plaintiff may file a second amended complaint **on or before February 19, 2016**.

DONE AND ORDERED this 25th day of January, 2016.

s/ Gary R. Jones
GARY R. JONES
United States Magistrate